

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF KENTUCKY-AMERICAN	)	
WATER COMPANY TO ESTABLISH A LATE-	)	CASE NO.2012-00155
PAYMENT FEE	)	

O R D E R

Pursuant to KRS 278.180 and 807 KAR 5:006, Section 8, Kentucky-American Water Company ("Kentucky-American") has filed with the Commission notice of a proposed revision to its tariff to establish a late-payment fee. It proposes to implement this revision on April 30, 2012.

Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. ("Community Action") has requested that the Commission suspend the operation of the proposed fee and initiate an investigation into the reasonableness of the proposed fee.<sup>1</sup> We shall consider this request as a motion for such relief and shall further consider the request as a motion for leave to intervene in any proceeding established to investigate the proposed fee.

Based upon our review of Kentucky-American's submission and Community Action's motion, the Commission finds that:

1. Pursuant to KRS 278.190, further proceedings are necessary to determine the reasonableness of Kentucky-American's proposed late charge.
2. The operation of Kentucky-American's proposed late-payment charge should be suspended from April 30, 2012 up to and including September 29, 2012.

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<sup>1</sup> Letter from Iris G. Skidmore, legal counsel for Community Action Council, to Jeff Derouen, Executive Director, Public Service Commission (Apr. 24, 2012).

3. Community Action's intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting this proceeding.

4. Community Action's motion should be granted.

IT IS THEREFORE ORDERED that:

1. This proceeding is hereby established to determine the reasonableness of Kentucky-American's proposed tariff.

2. Kentucky-American's proposed tariff is suspended from April 30, 2012 up to and including September 29, 2012.

3. Community Action is granted leave to intervene in this proceeding.

4. Community Action shall be entitled to the full rights of a party and shall be served with a copy of all Commission Orders and all documents filed by any party to this proceeding.

5. Any party filing a document or pleading with the Commission shall serve such document or pleading upon all other parties to this proceeding.

6. Any document or pleading that a party serves upon the other parties to this proceeding shall also be filed with the Commission.

7. Service of any document or pleading in paper form shall be made in accordance with 807 KAR 5:001, Section 3(7). Service upon a party shall be considered completed upon delivery of the document or pleading to the party or upon mailing the document or pleading to the party's address of record.

8. The parties shall consider any request for information from Commission Staff as if ordered by the Commission.

9. Commission Staff and any party may serve initial requests for information upon Kentucky-American no later than May 11, 2012. No later than May 25, 2012, Kentucky-American shall file its responses to these requests with the Commission and shall serve a copy upon all parties of record.

10. Commission Staff and any party may serve supplemental requests for information upon Kentucky-American no later than June 8, 2012. No later than June 22, 2012, Kentucky-American shall file its responses to these supplemental requests with the Commission and shall serve a copy upon all parties of record.

11. Any requests for a hearing in this matter shall be filed with the Commission no later than June 29, 2012. A party requesting a hearing shall set forth in its request the reasons a hearing is required and briefly summarize the witnesses and evidence that it intends to present at such hearing.

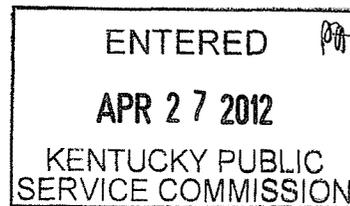
12. a. All responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness who will be responsible for responding to the questions related to the information provided, with copies to all parties of record and eight copies to the Commission.

b. Each response shall be under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information that indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

By the Commission



ATTEST

  
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Executive Director

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